

20.04.2026
Item No. 25
Ct. No. 14
AN

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**WPA 23126 of 2024
Ipshita Mukherjee Dan & anr.
vs.
State of West Bengal & ors.**

Mr. Sudipta Dasgupta
Mr. Saikat Sutradhar
Ms. Suryatapa Das
... for the petitioner

Mr. Ratul Biswas
Mr. Kaushik Chowdhury
... for the WBBPE

Mr. Suman Dey
Mr. Subhadip Maitra
... for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for approval of their service from February, 2021 giving notional benefit to the petitioners.
3. The petitioners contend that they participated in Teacher Eligibility Test (*in short 'TET'*) 2014 and were successful. Subsequent thereto, the petitioners participated in the recruitment process of 2020. The candidature of the petitioners were cancelled since the petitioners were not possessing 50% marks in the Honours in Graduation. The petitioners moved writ petitions being WPA 2062 of 2021 and WPA 2059 of 2021 respectively, which were disposed of on 12th December, 2022. Pursuant to the aforesaid order the petitioners were given appointment on 7th June, 2023 and 30th May, 2023 respectively. The

candidates who appeared in the recruitment process of 2020 have been given appointment from February, 2021. The petitioners claim notional benefit be granted to them with effect from February, 2021. Hence this writ petition.

4. Mr. Sudipta Dasgupta, learned Advocate appearing for the petitioner submits that the petitioner is similarly circumstanced as of the petitioner in *Masidul Haque & Ors. versus The State of West Bengal & Ors. (Re:WPA 22152 of 2024)*, with one other writ petition. He seeks that similar benefit be extended to the petitioner by granting notional benefit from February, 2021.

5. Mr. Ratul Biswas, learned Advocate appearing for the West Bengal Board of Primary Education submits that the petitioner was issued letter of appointment in March, 2022.

6. It is not in dispute that the petitioner is similarly circumstanced as of the petitioners in WPA 22152 of 2024 excepting that the recruitment process of the instant case is of the year 2020.

7. Accordingly, the concerned respondent authorities are directed to grant notional benefits to the petitioner from the date when the other candidates were appointed in connection with 2020 selection process without subsequently awarding six marks.

8. The concerned authorities are directed as follows:

- (i) To fix the pay of the petitioners granting notional benefits from the date when the other candidates were given appointment.

- (ii) On upward fixation of pay of the petitioners by granting notional benefits, payment shall be made from the date of appointment of the petitioners. If any increment has been given to the teachers who joined earlier, the same shall be made available to the petitioners prospectively from the date of their joining. The salary slip and the pay scale of the petitioners shall be revised accordingly.
- (iii) It is clarified that the petitioners will not be entitled to monetary benefits from during the period before appointment.
- (iv) The petitioner shall also be entitled to the notional increments and the length of their service shall be calculated from date of giving notional benefit.
- (v) Arrears, if any, from date of joining till date shall be paid to the petitioners.

9. With the above observations, the writ petition being **WPA 23126 of 2024** stands disposed of.

10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

11. Interim order, if any, stands vacated.

12. All connected applications, if any, stand disposed of.

13. There shall be no order as to costs.

14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

15. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)